

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DAVID HOWARD FETTERMAN,

Plaintiff,

v.

CHOICE HOTELS INTERNATIONAL,
INC., d/b/a COMFORT INN, COMFORT
INN and RESORT HOTEL, LLC,

Defendants.

C.A. No. 04-0927 KAJ

TRIAL BY JURY OF EIGHT
DEMANDED

**DEFENDANT'S, RESORT HOTEL, LLC,
RESPONSES TO PLAINTIFF'S REQUEST FOR PRODUCTION (SET II)**

1. All document(s) showing who was working in the Comfort Inn maintenance department on August 15, 2001 and August 16, 2001, including but not limited to time cards, schedule, pay stubs and/or personnel records.

RESPONSE: Defendant objects to this request as it is served well beyond the discovery cut-off date. The original Scheduling Order in this case dated 10/29/04 provided at ¶ 3c. that all discovery in the case shall be initiated so that it will be completed on or before May 22, 2005. The parties signed and filed two Stipulations to Amend various provisions of the Scheduling Order. The second Stipulation to Amend the Scheduling Order filed on 3/18/05 at ¶ 3 extended the discovery cut-off date so that all discovery had to be initiated so as to be completed on or before 7/21/05. Plaintiff's Request for Production Directed to Resort Hotel, LLC (Set II) was not served until August 30, 2005. In the event that the Court orders Resort Hotel, LLC to respond to this discovery, Resort Hotel, LLC reserves all

other appropriate objections including, but not limited to, relevance and burden.

2. "Preventative Maintenance Log(s)" from 1996 to June, 2004.

RESPONSE: Defendant Resort Hotel, LLC incorporates its objections to Request No. 1.

3. All "repair tickets" and/or "maintenance slips" regarding any problems, complaints and/or repairs to any and all headboards in any and all rooms at the Comfort Inn from 1996 through June, 2004.

RESPONSE: Defendant Resort Hotel, LLC incorporates its objections to Request No. 1.

4. All provisions or sections of the Resort Hotels "Policy Manual" relating and/or referring to in any manner the specifications, installation, mounting, inspection and maintenance of headboards in guest rooms.

RESPONSE: Defendant Resort Hotel, LLC incorporates its objections to Request No. 1.

5. All provisions or sections of the Resort Hotels "Policy Handbook" relating and/or referring to in any manner the specifications, installation, mounting, inspection and maintenance of headboards in guest rooms.

RESPONSE: Defendant Resort Hotel, LLC incorporates its objections to Request No. 1.

6. All provisions or sections of the Choice Hotels "Rules & Regulations" relating and/or referring to in any manner the specifications,

installation, mounting, inspection and maintenance of headboards in guest rooms.

RESPONSE: Defendant Resort Hotel, LLC incorporates its objections to Request No. 1.

7. All provisions or sections of the Choice Hotels "Operating Procedures" relating and/or referring to in any manner the specifications, installation, mounting, inspection and maintenance of headboards in guest rooms.

RESPONSE: Defendant Resort Hotel, LLC incorporates its objections to Request No. 1.

8. All plans, drawings, proposals and specifications for construction of the Comfort Inn in 1996 as well as the subsequent repairs in 1997 or 1998 (as a result of water damage), including but not limited to all such documents showing and/or indicating the details and specifications pertaining to the installation and mounting of headboards in guest rooms.

RESPONSE: Defendant Resort Hotel, LLC incorporates its objections to Request No. 1.

9. All compact discs and written training materials provided by Choice Hotels to the maintenance department at the Comfort Inn regarding the preventative maintenance program, including all references to the installation, mounting, inspection and maintenance of headboards in guest rooms.

RESPONSE: Defendant Resort Hotel, LLC incorporates its objections to Request No. 1.

10. All reports of inspections performed by Choice Hotels of the Comfort Inn pertaining to the twice yearly inspections.

RESPONSE: Defendant Resort Hotel, LLC incorporates its objections to Request No. 1.

11. The incident report prepared and signed by Ms. Payne regarding the incident on August 15, 2001.

RESPONSE: Defendant Resort Hotel, LLC incorporates its objections to Request No. 1.

12. All Polaroid photographs taken by Ms. Payne regarding the incident on August 15, 2001.

RESPONSE: Defendant Resort Hotel, LLC incorporates its objections to Request No. 1.

13. All maintenance records, including repair tickets and maintenance slips, indicating repairs to the headboard in Room 329 following the incident on August 15, 2001.

RESPONSE: Defendant Resort Hotel, LLC incorporates its objections to Request No. 1.

14. All preventative maintenance calendars showing rooms inspected and preventative measures taken from 1996 to June, 2004.

RESPONSE: Defendant Resort Hotel, LLC incorporates its objections to Request No. 1.

15. The "file" for Room 329, including all "check off sheets" and all other documents kept in the file.

RESPONSE: Defendant Resort Hotel, LLC incorporates its objections to Request No. 1.

16. The "incident file" regarding the incident on August 15, 2001.

RESPONSE: Defendant Resort Hotel, LLC incorporates its objections to Request No. 1.

17. All other incident files pertaining to other headboard incidents from 1996 through 2004.

RESPONSE: Defendant Resort Hotel, LLC incorporates its objections to Request No. 1.

18. All front desk log book entries regarding the incident on August 15, 2001.

RESPONSE: Defendant Resort Hotel, LLC incorporates its objections to Request No. 1.

19. All front desk log book entries regarding other headboard complaints, problems and/or incidents from 1996 to 2004.

RESPONSE: Defendant Resort Hotel, LLC incorporates its objections to Request No. 1.

20. Room attendant's report for August 15, 2001.

RESPONSE: Defendant Resort Hotel, LLC incorporates its objections to Request No. 1.

21. All recorded and transcribed conversations between Mr. Fetterman and customer service of Resort Hotel, Choice Hotels and/or Comfort Inn.

MURPHY SPADARO & LONDON

/s/ Roger D. Landon

ROGER D. LONDON (No. 2460)

1011 Centre Road, #210

Wilmington, DE 19805

(302) 472-8112

Attorney for Defendants

Date: 9/9/05